

Attachment to Independent Case Review Report  
for CDRU # 130 Case File # 95-265594.

Material Examiner Malone (RQ)

Remarks:

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# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 11:00A (Time), 5 118 199 (Date)

File #: 95-265594

Laboratory #(s): 50221054 51003032

50326053

50515012

## Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>WZ</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>LK</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): NOT KNOWN Pages: 229-266

Laboratory Report(s):

Laboratory Number: 50515012  
50221054 50326053 Date: 8-7-85

Laboratory Number: 51003032 Date: 12-10-85

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ UNKNOWN TECHNIKIAN

Laboratory Number: 50221054

Laboratory Number: 50326053

Laboratory Number: 50515012 51003032

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Initials: SR

CRM - 10209

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: \_\_\_\_\_

### Results of Review

File #: 95-265594 Item or Specimen # Reviewed: Q1, Q2, Q5, Q22,  
K3, K6, K7

#### Review of Laboratory Report(s) and Bench Notes:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials JM

## Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

- #1. HAIR COMPARISON WAS PERFORMED BUT THERE IS INSUFFICIENT DOCUMENTATION TO DETERMINE IF TESTS WERE DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER.
- #2. RESULTS IN THE LABORATORY REPORT ARE INADEQUATELY DOCUMENTED IN THE BENCH NOTES. NOTES ARE NOT DATED; REVIEWER IS UNABLE TO INTERPRET EXAMINER'S NOTES DUE TO HIS USE OF ABBREVIATIONS. NO DOCUMENTATION OF THE NLETS COMMUNICATION OR THE TELEPHONE CALL TO THE SUBMITTING AGENCY, AS DESCRIBED IN THE REPORT, WAS FOUND.
- #3. EXAMINER TESTIFIED THAT HAIR MUST HAVE AT LEAST 15 CHARACTERISTICS TO HAVE VALUE FOR COMPARISON. THIS HAS NO SCIENTIFIC BASIS KNOWN TO THIS REVIEWER.

Review completed at: 5:15P (Time), 5/18/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 5 1/2 HOUR

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts  
(Signature)

5-18-99  
(Date)

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-265594

IN RESPONSE TO THE QUESTION "WHAT PERCENTAGE OF THE NEGRO POPULATION WOULD HAVE HAIRS WITH ALL 20 OF THESE CHARACTERISTICS?" EXAMINER TESTIFIED "ONE IN 5,000". THE SAME ANSWER WAS GIVEN TO THE SAME QUESTION CONCERNING CAUCASIAN HAIR. (SEE P 243-248) WHILE THE EXAMINER BASES HIS ANSWER ON HIS EXPERIENCE, THERE HAS <sup>BEGUN</sup> NO PUBLISHED SCIENTIFIC STUDY TO CONFIRM THIS. IN FACT, THE ONLY PUBLISHED STUDY CONCERNING PROBABILITY OF A HAIR MATCH HAS BEEN CRITICIZED AND DEBATED AND DOES NOT HAVE THE SUPPORT OF THE FORENSIC COMMUNITY.

THE EXAMINER TESTIFIED THAT HE ESTIMATES THE PROBABILITY OF A TWO WAY HAIR TRANSFER MATCH AT 1 IN 25,000,000. THIS IS IN CONTRAST TO THE REPORTED RESULTS OF "CONSISTENT WITH" AND TO HIS PREVIOUS TESTIMONY, AND GIVES WEIGHT TO THE HAIR COMPARISONS WITHOUT SCIENTIFIC SUPPORT.

#4. SAME COMMENTS AS #3

#5. ON P. 248-249 OF THE TRANSCRIPT, EXAMINER SAYS HE'S NOT AN EXPERT ON <sup>THE</sup> STATISTICS BUT ESTIMATES PROBABILITY OF THIS TWO WAY HAIR TRANSFER MATCH AT 1 IN 25,000,000.